1893-94
(L.R.)

File No 109 of 93
Serial No. 1-26

Sub:- Grant of land for coffee cultivation to Mr Oliver, of the Santavari village, Tarikere Taluk

Mr Glover Offer for Coffee Estate

CHIEF SECRETARY'S OFFICE.

REVENUE BRANCH.

12

OFFICE NOTE.

SUBJECT. Regarding the grant, without sale, of 2a. 1r. 9p. of land out of Survey No. 27 in the Kandibatta Village, Tarikere Taluk, in favour of Mr. Glover for coffee cultivation

LAST REFERENCE. Letter No. 53 dated 28th March 1894 from the Dy. Commr. Kadur Dist.

On 7th February 1894, Mr. Glover of the Santaveri Estate applied for for coffee cultivation about 20 acres of land out of Survey No. 27 of the Kandibatta Village, Tarikere Taluk and requested that the same might be granted to him at the usual upset price without auction as it

3 ——— and found it in-
-accessible to any one
except the owner of the
Hoskan Estate (situated
to the East of the land
in question) who does not
want the said land.
And recommends that
the same may be granted
to Mr. Oliver without
Sale & on his paying the
usual upset price of
Rs 10/- per acre and the
full assessment from
the year in which the
land comes into his
possession.
6. The Dy Commr.
also

also States that he received an application from one Sundera-ppa objecting to the grant of the land in question to Mr Olver at an upset price, and requesting that it may be sold in public auction, & further that he has addressed the Government on the subject.

7. On enquiry being made in the Peltion Branch, Dewani's Office, it is found that no such application has been

adjoins Survey No 25 of the same village in this possession.

2. The Villagers have executed a Indemnity Stating that they have no objection to the grant of the land applied for. R 25-2-94.

3. The land applied for was found to be Survey No 93 ~~of the same village~~ and was found to measure 27-32. Survey's report Dated 25-2-94.

4. The Amildar reported that there was no objection to the said land being granted to the Applicant. Report Dated 5/3/94

5. The Deputy Commr Recommends that the unoccupied land be granted By Commr's letter No 5027 dt 8/3/94

5

been received up to
25-5-94 from the
said Surveyor.

Subd. with draft.

6/6/94

The Deputy Commissioner reports that Sanna Devarappa objects on the ground that he held part of the land applied for by Mr Oliver & Coy. which granted it years ago.

No written answer appears to have been obtained from the owner Mr Hosken Estate who does not want the land in question.

The Dy Comr states that great loss would entail upon Mr Oliver & Coy by the proceedings the land. How? It is not explained.

Mr. Oliver wishes to avoid sale for fear that Mr Sanna Devarappa might purchase the land & annoy him.

Submitted for orders.

6/6/94

Sd. [illegible]

Rejected

Refer to para 6 of the notes in Appt and say that a sale of the land by public auction is impracticable under the Rules - Should the latter assumption result

[illegible] 7/6

Rejected for reasons stated

[illegible]

7/6.

[illegible] No 658 of 7/6/94

5/6/94

~~Lee~~

The Sanna Devatta had a
Coffee estate which descended to
H. Palla of 1868 consisted of

No 28 192-3-99
Pacht. 27 67
of 15 Pkgs Total 259-3-99

In 1882, Sanna Devatta having
~~requested that~~ worked to Kech out
50 acres of No 27, that was given
to him, & he had then

No 28 192-3
Pacht 27 50
242-3

The remainder of No 27 was
treated as a separate number 48.

In 1884, he complained that No 28
did not contain as much as 192-3, & as
there was from that it had out 16.4.21,
the Excess was struck out of the area collected
as it was funded. — Then H. Palla stood

No 28 164.21
27 50
214.21.

No 27 however continued more than

8

(10)

Memo

1 Som Devarappa was the holder of Coffee estate known as Kesavena-varte situated in the Nandibetta Village of the Tarikere Taluk. The number of the old Pattah of the year 1868 it was 34/7340 in which, according to the extract from the Coffee Pattah Register in the Taluk, the boundaries are described and marked by stones inscribed with letters A, B, C, D, E, F, G and H, and the area is entered as 125 4 264 Gr 30 Ds. The Amildar mentions the old Pattah area as 259-5-99 acres-Gr-30 Ds.

2 It must be noted here that the old Pattah mentions the estimate to be in Nandibetta Village and does not mention any other Village

3 In the Survey Settlement
of 1882-2 took place in 1881-2.
In the Survey Vasulbaki account of Nandibat
against the ~~land~~ old No. 34 of the
~~entered~~ Estate is entered
Survey No. 28 measuring 192-3 acres.
In the Offer Settlement which
seems to have been made by Mr.
Meiklejohn in the same year,
and the remarks ~~entered~~
entries made in the aforesaid
Vasulbaki account, and Phytal
Patrika and the Dy. Coms's English
order in the Bonda-Kan Taluka -
ole of Nandibatha Village, -
shows that out of the above 192-3,
an area of 170 acres was assessed
at the permanent rate of Ri-8--7 } 2 Sur
acre and the balance of 22-3 at 27-
the rate of 12 annas/acre for 3 years,
and that in addition to this
50 acres out of Survey No. 27 * Total
of the adjoining Village of Belavara

56 acres — It contains 27 acres, just the difference in No 28, which Sanna Devadha contests ~~the~~ buyer with paying an acre —

Her Mare Dorbaker says ~~the~~ the excess in No 27 - i.e. 27 acres. —

No 28 has been sold to her Mare. —

Sanna Devadha says he all along had it, & is ready to pay ~~over~~ and will dispute. —

Her Mare wants it with sale. —

If when the excess was detected, No 27 also had been measured, there difficulty would not have risen. —

Was Sanna Devadha aware of the excess in No 27?

What is the total area of 27 and what are the Parki Nos? the survey Nos other Parki Nos?

Was No 27 formed into a Parki No for 56 acres?

Is the excess in the Parki No of Sanna Devadha? —

10 was assigned to ~~Tank~~
Sandevaripa as gran land
after the date of the Inam Title
A. 28-4-

Grand total
A. 28-4

4 Tin Ambar says
that the Survey account
papers show that the Estate
was partly in Mandibatha
and partly in Belavara;
that the latter part had
been entered in first as
50 acres out of Survey No 77
of Belavara; and that
it was out of this 50 acres of gran
land that the 10 acres of gran
land was assigned
and that when the Inam
was restored it was entered
and made into a separate
number - viz 48. The present
area was found to be 47-6;
and since then this is the area
which the land has
borne in the accounts and there
is no dispute about it

(X) Note. The Survey
Letter Vasulbaki
dated accounts 1882-3
for the Village of Belavara
but having been
received I cannot
say whether the
area of 47 acres was
entered as forming
part of the Estate
~~at that time~~
The present area
of 77 of Belavara
is 277-9 excluding
the 47-6 made
into the Inam Number
48

Note. It is not clear from
the terms of the Survey a portion of the
Estate (47 acres) lies in Belavara
Village, while according to the description the whole Estate
must lie in Sandebyle. Either Sandevaripa lies in them, or the Survey
has mistaken the boundaries of the Villages. Here specified in the Survey.

and found to contain nothing more than 164-21, before the original area of 192-3 was ordered to be altered.

8. Mr. G. A. Oliver, a coffee planter at Santaveri purchased recently (entry in the Civil Court Sale Survey No 28 (as he says) of Nandibatla. At his request the Dy Comm. sent a Mopanidar (or Measurer) to measure the land. On the 7th Feby 1914 he applied to the Dy Comm. for about 20 acres out of Survey No 27 (total extent 215-9) of Nandibatla to be granted to him without sale and for an upset price "as it adjoins my No 28 of the same Village and there are no other interests involved". Thereupon the same measurer was ordered to measure the land applied for. He did so, subdividing No 27 and the area granted portion subdivided has No 27-12

In a petition of 26 march 94
Devarappa complained to the Dy Comm.
to the following effect:-

~~In said petition appellant~~
~~for Mrs Oliver is within known~~
~~as Survey No 28 of Kasaba~~
~~which~~ According to the original
survey account and the Coffee
settlement made in Vishu 1881 the area
is 192-27. The reason why Reservation
this area ~~was~~ altered should Estate
be enquired into and considered
~~the land now offered for~~ by Oliver out of Survey No 27
~~the said portion~~ may even
Contain a few Coffee trees ⊗ ⊗ Vide
~~has~~ caused it to be included in No 27 and made into a
~~land under dispute~~ to
In it on the South there is an old Stone & in the East
~~and~~ old Stone & in the West.
This land always belonged to No 28
Reservation Estate. So much
of it as is within ~~these~~ that Stone × Govt
belongs to Mr Oliver. He purchased
in the Court sale land situated
within Stones 4 & 7.
When the Dy Comm ~~the~~ last January
at Chinjadhalli he asked me
about transferring the Putah

!!

In 1884 Devarajpa petitioned to the Survey Dept about there having been a mistake in entering the area of No 28 of Nandibatha as 192-3 and in Hukum No. 447 of 16 Sept 84 the Survey Supt intimated to Amildar that there was a mistake and that the area should be entered as 19a 164-21.

The assessment was accordingly proportionately reduced and on the petition of Devarajpa to the Dy Comm-r of 26-11-84 a sum of Rs. 131-7-9 being the excess Kandayam levied for the year of the assessment was refunded to him.

In that petition it is said that the mistake was rectified by the Survey Dept by examining the Office copies of the accounts of that dept and there is nothing in the aforesaid Hukum No 447 to show that the land No 28 of Nandibatha was measured again

in the Assignment and Sale
to Real Estate and Portfolio Life
of Unauthorized Cultivation.

11. Without Reading for Reply
from Auditor in My Comm.
of even date (23 25 June 1/54
with a letter from Secretary
to Board of 27-12 & in
Answer without date and for the
Refresh price of 10 P. Juice.

12 In reply I was told that
Under the Different Rates, Effective and
Amount be sold

13 In further Off. the Comm.
has now reported to Court the
result of Enquiry including the
Auditor's Interim Report
is not complete.

14 The Auditor who inspected
the land says that the 27-12 a part of
applied for by Mr. Olivier contains old
Coffee trees of the same ~~description~~, kind
~~age~~ as those standing in the 28
that those two are close to Bungalow
No 28 & that there is no hedge or
dividing the 27-12 from the 28

3/

16

Plaintiff's Statement
Before Registrar 15/4/94.

Plaintiff's claim is that he is entitled to 20 acres, 4 roods & 5 perches of land, as per diagram admitted by the defendant's predecessor in title, and which was originally included in the original grant to the plaintiff's predecessor in title, but was subsequently excluded therefrom by the defendant's predecessor in title, and that the defendant has wrongfully withheld the said land from the plaintiff.

Plaintiff's Statement
Before Registrar 15/4/94.

Plaintiff says that he is entitled to 20 acres, 4 roods & 5 perches of land, as per diagram admitted by the defendant's predecessor in title, and which was originally included in the original grant to the plaintiff's predecessor in title, but was subsequently excluded therefrom by the defendant's predecessor in title, and that the defendant has wrongfully withheld the said land from the plaintiff.

Plaintiff says that the land in dispute is included within the original grant of 192 - 0 - 0 to Mr. Hall, and he has been in undisturbed possession of the same for 12 years, and has always considered the land in dispute as part of his holding, and has cultivated the same as such.

Defendant says that the land in dispute is not

lands have since been under dispute for a period of 28 (1952-3) & demarcated and demarcated ~~[illegible]~~ & subsequently & the encroachment & accounted rectified). Reports ~~[illegible]~~ plottings etc prepared originally by the Survey Dept ~~[illegible]~~ Sixteen should be seen.

17. The whole of the land 27-12 under dispute contains 10000 or 12,000 Cocoa trees the value of which should be calculated at the price paid by the Cocoa farmers to the Court sale of Kanton, the average should be 300 Rs per acre or about 8000 Rs

× The land are [illegible]

has not done any ~~with~~ ~~workmanship~~ & was
in it

4)

18.

for the 27-12, Whereas the upset price of 10 Rs per acre recommended by the Deputy Comr would not exceed be within Rs 300.

18 In Mr Sparkes' first letter he says that he made an inspection of the land and got the fact of its coast being a land cultivated forsten containing 10 or 12 thousand trees (if this allegation of Devarahalla is true, for the Amildar does not mention the number of the trees) is not clearly mentioned in that letter. Now does the Dandikast of Mr Elmer, does not say that the land applied for contains coffee trees. The total say that the trees are very old Coconut trees and of the same age as those of the same kind that are in 18 and that since the settlement of that year Vishnu the disputed land has been in No 27 and has since been Devara

A Perhaps it was thought that the mention of its once flourishing cultivated supplied what it contains old bearing coffee trees

21 Pet 9
19-1-96 (18)

This dispute relates to an extent of 27 acres 12 perches forming part of survey No. 27 which is classed as forest of Nandubattoo village and covering an area of 215 acres 2 roods 9 perches, and arose under the following circs:—

The estate in this locality was originally known as Kesarana Valley estate and Sanna devanayya became the proprietor. In course of time the property became charged with debts and was ultimately brought to sale by order of a civil court in the execution of a decree. Mr. Oliver became the purchaser. In the course of his having put in possession of what he had bought a survey was made which seems to have discovered that the portion now in dispute had not been included in the survey number 287 Nandubattoo village

which alone had been sold 27
land purchased by Mr Oliver.
In the sale certificate the
Patta number and certain
boundary stones which marked
the land sold were also specified.
The Meamer came & put up some
marks which however were
subsequently found to be not
in accordance with the survey
plan. Seeing that a bit
of the land which contained
old coffee trees and which
evidently formed part of the
old Kesawana Valley estate
had been included in survey
No 27 Mr Oliver put in an
application where that bit
formed into a separate number
and given which for an upset
price - The Dist Court submitted
a recommendation to that effect
to Govt - In the meanwhile
Sannadevanaiha raised an
objection and set up a claim

Before the matter can be decided here it is necessary to have the following information finally ascertained

1. What was the ground on which the area of 2 ß was reduced? The original correspondence must be sent.

2. The present survey of ß 28 & 27 of Vandiyattoo village has to be again measured by a competent person & the detailed measurements reported

3. The lands surrounding ~~the~~ the land which forms the disputed area of 2 ß namely ~~Nº 40~~ Nº 40 Balavarayan Kayal land must be measured & a sketch with all the detailed measurements mentioned with must be sent.

9-6-95

11/6

of his own Waste land - He urged that it was all along in his enjoyment; that he was willing to give the last assessment for the same and hoped that it may be confirmed to him. He also added that though forming part of Kesawanalle Estate it did not pass to the alienee as it lay outside the boundaries specified by the civil courts in the certificate granted to Mr Olivier.

The questions which, under these circumstances, have to be decided are

(1). Whether the land in question formed part of Kesawanalle Estate

(2). Whether it was excluded from No. 28 & added on to the Gomal No. 27 with the knowledge of Sanna Devanayya & Whether in other words Sannadevanayya was aware of such exclusion

(3). Whether the Waste land

25

and that it forms part of
the Survey Journal Number
27. In this connection it
seems to implicate Wife
to this statement of one Lambo
Appabba who seems to have
been in the service of Samma-
devarayya. He clearly state
that one of the lettered bounda
stones was broken a
two portions and each of the
pieces removed to and
in different parts. Appaiya
Shanbogue states that four
stones in the boundary mark
could not at all be found
Patel Sudrayya is positive
that the stones in this part
do not show any indication
of their having been taken
care of & properly cultivated
and that it is not
true that this part was
ever enjoyed by Sammadevara
since the date of the coffee settlement.
This statement to be means upon
the impress of great probability

Having agreed with the intelligence
of Samaadevaraayya, and
bearing in mind that he obtained
information of an arithmetical
inaccuracy in calculation
of the area of survey 2 : 28 a
had it corrected three years
after the settlement and still
he does believe that he was
not aware of what was exactly
confirmed by him in the survey
settlement and what
was excluded from his holding
His conduct appears like that
of a man who wants to place
his opponent at all hazards
and went upon making
a plausible case from facts
which might ultimately
prove his great disadvantage
In this view he seems to have
relied upon the existence of
a few old coffee trees in the disputed
locality and urged his enjoyment
which however does not appear

was in enjoyment of Sanna
-derangiya

(4). Whether he is entitled
thereto and if so under
what conditions

(5). If he is not entitled what
is the best way of disposing
of the land -

That the land was excluded
from Survey No 28 is quite
clear. The Settlement Officer has
since examined the locality
and this has fully borne out
the statement that the
Survey boundary marks
of that and the adjoining
lands have been very arbitrarily
interfered with and that
in some places the marks
have been so erased as to
be identified with difficulty
Yet it is so far clear that the
survey No 28 does not include
any portion of the land in dispute

the time. If there were such clear indications of Enjoyment it is unlikely that Mr Oliver would have applied for it under the Darkast rules - The contention of Samanderagga that if it was his it did not pass to Mr Oliver is absurd - There is no such reservation made anywhere and Samanderagga has not proved it - On the contrary Appapa's statement refers to an attempt on his part to interfere with the existing boundary marks and make out a case for himself - The admission of Enjoyment which, if superficially viewed appears ~~are the grace of title~~ to be unfavourable to Devarajja does not appear to the true - Samanderagga perhaps on - orders that the disadvantage of proving the previous Kandyan is more than counterbalanced by this acquisition of this land which on account of its contiguity is valued by Mr Oliver

29

Samanderanaya's own admission
makes him guilty of having
encroached thereon clandestinely
& he has even offered to pay
up the last assessment.
The Dist. Court will then collect
this amount from Samana
-derenaiya as fine & credit
it to Govt.

Abdul Rahman Sahib
K.B.

18-1-96

I agree with the above order except
as regards the sale of the piece of land for public
auction. Under the circumstances I
would give the land to Mr. Oliver, the
applicant, at a fair value to be determined
by two or three persons with the help of
independent experts, taking into full consider-
ation the coffee trees & plants &c. standing
thereon. Let Mr. Oliver agree to take
up the land for the price so fixed, it may
be sold for public auction as ordered by my
learned colleague.
22 nd. Jan/96 Abdul Rahman

30

I do not see what special reason
there can be for allowing Mr. Olivier
this special concession but if my
colleague insists upon it I shall
have no objn to ascertain upon
what such valuation
would be - otherwise the
will be placed upon the Crown
in accordance with the Council's

23.1.96

Read by Councillor
C
23-1-96

I have no objection to
ascertaining before the
the valuation. Mr. C
acted fairly in the c
he is all probability
the ~~land~~ Estate, believe
included therein. W
it was not, and after
Estate. If the land is
this case has been from some satisfactory way to be
of it, will surely consider the circumstances, comp
of which the applicants.
generously. This will be very unfair to Mr. O
and I think it is highly undesirable that by any
Ord. allow such a ruinous competition. Even suppos
that Lama Devaraj's wife were bid against
Mr. Olivier at the public sale, it is not at all
necessary to allow another person to try to

the portion in question was
recently reformed and that
for the piece adjoining his Estate. If the land is
& public auction, the opposite party whose conduct
of it, will surely consider the circumstances, comp
generously. This will be very unfair to Mr. O
and I think it is highly undesirable that by any
Ord. allow such a ruinous competition. Even suppos
that Lama Devaraj's wife were bid against
Mr. Olivier at the public sale, it is not at all
necessary to allow another person to try to

For these reasons the findings which ~~appear~~ ought to be adopted are that Sannadeerappa was aware that the disputed land did not form part of Survey No. 28, and that he did not openly enjoy the lands as his own — It is possible he might have clandestinely reaped the fruits of the neglected trees & appropriated them but there was no such open & professed enjoyment as would be regarded as an overt act of ownership — The land is therefore decidedly the property of Government and is vesting at its original grant

X Govt have already indicated their view that the lands be sold under the rules & this opinion seems to be correct. There are no special circumstances which render it desirable or raise any special equities in favour of Mr Oliver. The Dy Comr is therefore to sell the land publicly by open competition in accordance with the rules on the subject —

X

With regard to the destroal of
the land it has been taught
by the nature of soil that the
sale of it to many diff. men
for ever will put him
in great inconvenience.
is also upheld that it is
Mercantile not easily accom-
modations. There is also
reason to believe that if the
land is sold by public auction
private spite will lead
to speculative competition
which it is the duty of
Govt not to encourage - Under
all the circumstances of
the case the best way of
disposing of the land is to
give it to the Govt for a
fixed price the valuation put upon it
by the Govt viz 25 shillings
for the good land consisting

may be accepted.

of 17 acres. The remainder of the land (by 10 acres 12 poles) is reported to be bad and the Govt. values it at 5/- per acre - As however this is less than the minimum upset price of the Govt. may be raised at the sale, by 10 shillings, [illegible] but as the rule in appendix E is imperative, as Govt. alone has in this case applied for the land as Govt. there seems to be no alternative but to order the sale by public auction.

It seems to me very desirable to modify the rule so as to give a discretion to Govt. in a special and hard case like this. This case may well be treated as such, & the land given to Mr. Oliver as directed by the above order of the Council 2nd. Council 14th March/96 Abdul Rahman

31

Advise Mrs. Oliver from the Land Office
Inverell that selector and he is quite satisfied
arrangement is hers. There is no objection to license
to cut. If the land be given away the applicant
can pay value

23.2.96 [illegible]

Michael Lehmann

Solicitor
Attended by Mr. Hebb
We shall look into
this matter & answer
when we meet

12/3/96

Solicitor for Applicant
Q
24-1-96

I forward my opinion
Can form definite
valuation - the
Mr. excluded lies
mostly all, consisting
a number
of trees specified.

As between Sarina
- Alexandra Rly &
Mackay the latter
may have exacted
unnecessarily the
Sarina Bowen Rly should
provided exceptionally
in the case
of its admitted
waste lands

26.1.96

Sol for Applicant
Q
30.1.96
Draft
31.1.96
[illegible]

Sol
Solicitor for
Applicant
12/3/96

The Dft forwarded herein, No 605 dated
29.2.96 covers the value of the
timber & the fees thereon, is submitted

11-3-96

35

(General Serial No. 30.) (1)

1894. 14750

From

The Deputy Commissioner
Kadur District

R2921

To

The Chief Secretary to the Dewan
of Mysore.

Dated 28th

Despatched 29th March

Received

Enclosures No. One file

General No. 502 } 1893-94.
No.

Soliciting Sanction to the grant, without Sale under the Coffee Rules, to Mr. Oliver of 27.12 acres out of Survey No. 27 Sandi-hattoo Village, Sankere Taluk, for Coffee Cultivation, for reasons given.

Le Same No 439 29/7/94.
R52

Recd 30/3/94

memo & draft
Subt. 31/3/94

Submit this to the Dewan -
In the meanwhile submit
a draft amendment rule
regarding such documents
for.

14/3/96

16/3/96

AP
18/3

310 Office of the Deputy Commissioner (1)
Kaduna District

Dated, Kaduna, 25th March 1911

No. 502
Civil file.

From
The Deputy Commissioner
Kaduna District

To
The Chief Secretary to the
Government of Nigeria.

Sir,

I have the honour to recommend the grant, subject to the usual terms, of a piece of land containing 2½ acres and 2 gontas situated on the Kwoi Estate and of a Government unassessed waste land, known as No. 2 of the Kwoi Village in the Kwoi Valley, for Coffee cultivation.

On receipt of the application a survey of the land applied for will be ordered to be made, in order to ascertain the exact position and extent of the lands.

Survey No. 93 situated out of the 27 measurements and 2 guntas, which is the land now required. The Christian replies that there is no objection for the same being granted.

The Amin having inquired the land without fail, made an inspection thereof and found that it is inaccessible to anyone else, except the owner of the Patta Estate (situated to the east of the said applied for) who does not want the land. Patta land Note great ties would entail upon the Amin if any one else purchase the same.

Under these circumstances I am of opinion that Survey No. 93 (the measurement of which has to be approved of by the Revenue Survey Superintendent) measuring 27 cents and 2 guntas may safely be granted to the Amin

without title and on the ground that the said applicants are not the full assessment from the year in which the land is put in his possession.

This petition was made as a petition has been received from the Tenants for the meeting that the land in question may not begin at an explicit time but it said at future action and that is for the adjourned Government on the subject this argument being that he was entitled from 27 years and acknowledged it years ago. This the Tenants originally owned Survey of 28 which has recently been finalized by the Lands at the land Court this, and it appears to me that the Tenants meeting under the ins of this estate is

anxious to annex the purchase of it as mines is possible, and which has been brought to my notice.

The Original report No: 1057 dated 15th March 1894 received from the Minister is herewith submitted with its enclosures for information and kind return when it is no longer required.

I have the honor to be

Sir

Your most obedient Servant

H H Sparke

Deputy Commissioner

Kadina District

Encl:

41 (3)

Deputy Commissioners Office
Kadur District
Chikmagalur 9th june 1894.

No 658

From

The Deputy-Commissioner
Kadur District

To

The Chief Secretary to the
Government of Mysore

Sir,

In continuation of this office letter
No 502 of the 28th March last, recom-
mending the grant without sale, un-
der the Coffee Rules, of a piece of land,
measuring 27 acres and 12 guntas, ap-
plied for by Mr Oliver of the Santaveri
Estate, out of a Government unassess-
ed waste land, Survey No 27, of the
Nandibatlu village, in the Sankere Taluk,
for coffee cultivation, I have the
honor to state that on a petition received
from one Lan Devarappa of Sankere,
who disputed the grant of the land
in question, enquiry was made through

the Amildar, and the letter above alluded to was submitted by Mr. Sharkey. But from what San Devarappa has subsequently deposed before him (Amildar), it would appear that San Devarappa, who first stated that he had owned the land in dispute at one time but had relinquished it long ago, now asserts that it actually belongs to him and produces certain documents in support of his statement and objects to it's being granted to any body. As some more particulars are still to be elicited in the matter, the Amildar has been directed to hold a further enquiry and submit a more detailed report with certain references, &c.

2 Under these circumstances, I beg to suggest that final orders of Government on this office letter No 502 of the 28th March last be kindly deferred, pending my

further

40

3

(General Serial No. 30.)

RECEIVED 10261
11 JUN. 94
R3743

189

From

The Deputy Commissioner
Kadur District

(3)

To

The Chief Secretary to the Devan
of Mysore.

Dated 7th

Despatched 8th June 94.

Received

Enclosures No.

General No. 658 } 1893-94.
No. 93

Requesting that final orders of Government on this office etc dated 23rd March 93 sanctioning the grant of a piece of land to the Government of the Channabasappa village Tarikere Taluk, be kindly expedited pending his further report on the subject.

Rec'd 11-6-94.

Rep Br.

The Collector's Draft is correct. Put up Draft Letter - Put up Order

11/6/94

Init'd: A Nir Chief Secretary for Orders.

Draft Copy of the Govt proceedings cited has been approved & four Copies also. Necessary Nir Letter Copies. Four Copies put up.

The Point for Order is whether the four Copies should be sent.

11/6/94

Draft Approved
Four Copies Signed
Four Nir Letters
Issue Nir

11/6/94

Vide no 439
C&S
9/7/94

43

further report on the subject
of your last letter to me

Sir,

Your most obedt servant

Asst Chief Engr Commissioner

2

44

(General Serial No. 30.)

1894.

From

The Chief Secretary to the Dewan of Mysore.

To

The Deputy Commissioner Kadur District.

L.R. 109-93-3

Dated 7th June 1894

Despatched 11/

Received

Enclosures No. 1 fill

General No. 439

No. 52

In letter No. 502 dated the 29th March 1894, recommending that 27 acres and 12 guntas of Government unassessed waste land out of Survey No. 27 of the Nandi-battur village, Tarikere taluk may be granted to Mr. Oliver of the Santavari Estate at the upset price without selling the same by auction. (Illegible)

With reference to the above the

the Deputy Commissioner
is referred to para 6 of
Appendix E to the Land
Revenue Rules ~~and to~~
under which
~~in process of Notice~~ sale of
~~the land in question~~ by
public auction is imperative
under the ~~Rules~~ Action
should be taken accord-
ingly and the result
reported for the informa-
tion of Government.

2. The enclosures are
herewith returned.

"By Order"

9/11/64

Chief Secretary

Cmpd.

Cpo
Ans

405

Pls. state that there
is no objection to
the proposed
sale provided
the required land -

46 4

(General Serial No. 30.)

1894. 2001

From The Revenue Commissioner Bangalore

R488

(5)

To L.P. 1-93-4

The Chief Secretary to the Dewan of Mysore.

Dated 9th.

Despatched 14th August

Received

Enclosures No. 5 Verjilis and 2 Kraits each pickled in bottles

General No. 6 Sep-95 dated

No.

Reporting on the land demarcated for by one Timmaiya in the Nanjikalla village, Tarikere Taluk, and soliciting instructions for its disposal with reference to the facts now submitted.

Rec'd 15/8/94

Put up 17/8

Submitted for Orders 21/8/94.

Sub Dy Revenue Commissioner for Orders -

Petitioner has come up with the two parties to be heard in the matter - & has also been asked to come on Thursday next & if there is any thing further to be urged from him he will be heard on Thursday next.

20/8/

Petitioner heard with the other parties

If we are to hear her alone, we must also hear the opposite party, unless the decision is to be in her favor. After hearing her alone we can decide whether reference be given to the opposite party.

22/8/94

47

Deputy Commissioner's Office
Wadera District
Chirmagaier 25th August 1904
13

From

The Deputy Commissioner
Wadera District

To

The Acting Secretary to the
Government of Singore

Sir

With reference to your letter No 4327/R 52
dated 9th June 1904, pointing out that
auction sale of land applied for by me
Oliver was imperative under Rule 6, Ap-
pendix E of the Land Revenue Rules, and
remarking that it is strange that there
should be any doubt as to whether the
land in question is Government unas-
signed waste land, I beg to state that I
consider it necessary to submit the fol-
lowing facts for your information be-
fore proceeding to act under the above
rule.

2. According to the Raja Patta No 34/340
of 1868, the extent of Reclaimed State
of Kanakatta village belonging to Surna
Devarajja was composed to be 259-5-99.

3. In the absence of the Survey Maps
Accounts, as far as I can judge (and
I think I am right) from the correspondence

48) and Canna Devarajiya and admissions contained in his statement, the above area of his Putta land was distributed into the following Survey numbers of Nanaikattu village during the Survey Project of 1879-80.—

	a	g
Survey No 28 - - - - - - - - -	192	3
and portion of No 27 - - - - -	67	0
Total	259	3

Vide Amildar's report No 823 dated 29th May 1884 and statements Exhibits A and B.

4. In the office settlement of Canna Devarajiya apparently referred to have the extent recorded in Survey No 27, Nandibetta, transferred to Survey No 27 Bellavara. He however apparently did not wish to have the total extent named 60 acres, which he had in Survey No 27 Nandibetta, but contented himself by accepting only 50 acres. The portion which he then accepted in Survey No 27, Bellavara, was apparently formed into a Patta number of No 27, Bellavara and it will be seen from apparent that according to this survey Canna Devarajiya came up with 17 acres which he formerly possessed in Survey No. 27, Nandibetta.

5. The Survey numbers which comprised his Putta land and their areas may be stated to be as follows:—

	a	g.
No 28, Nandibetta - - - - -	192	3
No 27, Patta Bellavara - - - -	50	0
Total	242	3

508

The question which now arises is, where are 27-a 22-g on which Sama Deva-
ppa obtained a refund and in which
number are they situated? According
to Sama Devarappa's own admission,
if nothing else, proved, as it is, not to be
contained in Survey No 28, they are situ-
ated in the contiguous Survey No 27 of
Nandibatlu village, as is also exemplified
by the village map, and it is the very por-
tion which Mr Oliver now applies for
and which Sama Devarappa protests
against being sold as Government land.

9. I will now turn to the Statement of
Sama Devarappa (marked B) wherein
he gives his own version of the differ-
ences which Survey No 28, Nandibatlu
and Survey No 27,
Nandibatlu Bellawara (?) which
at one time comprised his Hesavina-
vante Estate, underwent in their area
&c. during the resurvey and settlement
and the claim which he so unreasonably,
if not fraudulently, lays for the land
applied for by Mr Oliver. He says that
in Khut Pahani 67 acres were included
in Survey No 27, Bellawara, as land be-
longing to Hesavinavante Estate. Of this,
50 acres were confirmed in his name

on grass tenure. During the resurvey in 1886-87, no 27, Bellawara, was resurveyed and an additional no 48 was formed (presumably of the paiki portion) containing 47a-2r-9p as a portion of his patta land; and in the resurvey-settlement each of these 47a-2r-9p, 16a-2r-9p were granted to him for coffee at 1 rupee per acre, and 30a-3r-9p at 4 annas per acre as grass land. In the same manner he explains that he obtained only 164-21 acres in survey no 28, Nandibatta, which was supposed at the settlement to have contained 192-3, and thus he is now realy short of 47-16 in the total extent of his Resawinawanta Estate, which, according to his original patta, was computed to contain 259-3 acres, that is, 27-22 acres less in survey no 28 of Nandibatta and 19-34 acres in the original extent he had in survey no 27 of Bellawara (?)

Having thus explained the total deficiency in the extent of his patta lands, Samia Devanappa proceeds to say that although he was aware of the deficiency since 1884-85, he did not care to agitate the question, or to pay for the deficiency

— Vide Faircl Extract of Proceedings 1881–82. The above ——— portion was again connected into the whole Pt 8, Pelleawa, as will be seen further on.

6. In 1883, Panna Devaraja having petitioned to the Survey Superintendent that Survey No 28 of Nandidatte did not contain 92 acres and 3 guntas as was stated in the assessment book, but it was found to be so from the examination of the assessment and Panna Devaraja was informed by the Survey Superintendent that the correct area of Survey No 28, Nandidatte village, was only 65–2, and a reduction of 27–22 was made in his favour. Panna Devaraja then prayed for the excess assessment he had paid on these 27–22 which were short in No 8, Nandidatte, during the preceding 3 years, it was granted to him and he received a refund of Rs 31–7–9, vide Exhibit ——.

7. After Panna Devaraja was contented as regards the correct area of Survey No 28 and obtained a refund, the area of the Survey numbers which comprised the land of Bheemanwarte Estate, remained as follows:—

Survey No 8, Nandidatte	65–2
and Survey No 1, Patti Pelleawa	50–0
Total	214–21

x in the Remarks file No III

52

to the make up my notice else, and particularly as regards not the deficient portion of that number as originally computed, that is, that the portion now underlined for by Mr Oliver always remained to be in this possession since 10 years, no matter whether included in Survey No 25 or not.

10. I cannot see how Devarapa can now honestly come forward to claim the total acreage of 47-16 acres as pointed above. It is clear that by this own election during the different periods of settlement and, assuming the original area of 67 acres in No 27, Mandibatla was reduced to 47-6 acres and was ultimately formed into No 5 Bellamara

11. Next, regarding the deficiency of 27-22 acres granted only by him in the supposed original extent of Survey No 28, Mandibatla, in connection with the portion now applied for by Mr Oliver, which, according to Mahla measurement lately made by the Measurer, comes to 27 acres and ½ guntas, and which evidently to my mind lies in the

54

past years since the above settlement, and with regard to the fraudulent possession of the land he explains that he retained its possession because it belonged to him before the settlement. But the facts in my opinion are too clear against Nanna Devarappa to show that his possession and enjoyment of the dankhasted portion has been from the commencement fraudulent and illicit, by which he, in my opinion, loses all claim to it.

12. Such being the facts of the case the questions which arise to my mind and on which I solicit your kind instructions are:—

(1) Whether Nanna Devarappa should not in the first instance be punished under section 59 of the Land Revenue Code for his fraudulent and illicit enjoyment of the dankhasted land;

(2) The sale being imperative under Rule 6, appendix E, — whether the dankhasted land should not be sold by auction and thrown open for competition as any other Government

55

assessed unoccupied waste, after Sanna Devarappa has paid the penalty of his illicit enjoyment; or

(3) Whether under the circumstances of the case, any special consideration be shown to Mr. Oliver by making an exception to Rule 6, appendix E, by accepting an enhanced upset price according to the present market value of the land calculated with reference to the coffee trees standing on it, for reasons given in Mr Shanker's letter No 502 dated 28th March 1894 on the subject, or to Sanna Devarappa by allowing him to retain the land after paying the penalty on account of his long enjoyment of it however illicit it may be, which I cannot however recommend on account of his fraudulent conduct.

13- Before concluding this letter, I

adjacent survey of Nandabadda. I
must particularly point
out that Lama Devarajiya does not
plead ignorance of this portion
being included in Survey No 27, Nanda-
betta, (vide his statement Exhibit C).
She admits she received a refund of
assessment on this portion in 1885 for
the three preceding years on the ground
that this portion was not contained
in Survey No 28. She also admits that
being aware of it's having been so ex-
cluded from Survey No 25 and lying
in Survey No 27, no portion of which
was in his Khata, she continued to
reap the crop standing on the land
(the land assessed for) every year
since 1881-82 without paying any
assessment on it, since the settlement
in 1882-83, or virtually since 1881-82,
and finding that his own admissions
disclosed fraud and illicit enrich-
ment on his part endeavours to compro-
mise by coming forward to pay up
the proportionate Kandayam on
the assessed portion for all the

5

(6)

Govt Pro.

3295 d/ 24.8.94
R 419 27
1 file 2 encls

Read correspondence ending with the letter of the 24 Comr. of Kadur dated 9th Augt 1894 No 76

The above correspondence will be forwarded to the Supdt of Revenue Survey with a request that he will return it with information on the following points.— Viz.

(1) on what ground was the area of No 28 of Mandebatta altered from 192-3 acres into 164.21.7 was it done on a re-survey, or merely on the discovery

d/ 24

d/ Comr. Kadur Letter No 502 d/ 28 March/94
— do — No 658 d/ 9th June/94.
— do — No 439 d/ 9th May/94
— do — No 769 d/ 9 Augt/94
Letter with five files Vernacular papers & two Survey maps the Village of Mandebatta and Bellavara. the Tarikere Taluk

of some error in the computation of the area?

(2) When was the survey map prepared? was it before or after the correction was made in the area?

(3) Does the first book prepared at the first survey show that the shape of No 28 was exactly the same as that now shown on the map?

(4) The Applicant says that the portion of No 27 of Sandelbatha now applied for by her Owner contains other trees of the same age as of those contained in No 28 — the area of No 28, together with that of the portion of No 27 now applied for by her Owner nearly corresponds exactly with the original area of No 28, these showing that the whole

No 28 16 4 21
Portn 27 27 - 12
191 33

4/

56

would like to mention that I have dealt with the land applied for by Mr Oliver, and which is contested by Lama Devendra as a portion belonging to his Hereditamenté Estate, only in a Revenue point of view, so far as the disposal of the land is concerned, but it strikes me that if it is shown that the portion now applied for by Mr Oliver did at any time form or does still form a portion of Survey No 8, the number which Mr Oliver purchased in the Civil Court Auction, which Lama Devendra however carefully avoids to make clear by quibbling in his statements, and yet commits himself indirectly admitting it for the purpose of saying Mr Oliver only of the land claimed, the point will give rise to issues in a Civil Suit, which however do not concern me in the disposal of the land.

14. The correspondence papers and the settlement records connected with the case are herewith submitted.

I have the honor to be

Sir

your most obedient servant

[illegible]

Asst. Collector Commr.

Kadiri District

59

Vide extract (para 2 of File I) of letter Nuttah forwarding description of old boundaries & Survey Sketch 4 & 7.

(4) Both
Was ~~Original~~ the area
estate ~~is~~ the Supdt is
requested to explain, why
then the portion of No 27 now
applied for was not shown
as part of No 28.

(5) When the area of No 28
was altered from 192.3 to
164.21, was any correction
made in the area of
No 27, also or was a
corresponding correction
made in the aggregate
area of the Villages.

(6) Are the original
boundaries given
in the Patta of
1869 traceable
at present & if so
Both the portion
of No 28 now claimed
is within those
boundaries.

2. After the Supdt has
reported on the points raised the portion
by Nuttah
now applied for was part
of the original coffee estate
area
leased in 1882 as 192.3,
or is a subsequent
encroachment. Govt
would be glad to have
the opinion of the Survey
Supdt on the matter.

(By Order)

2/8/17 ~~2/8/17~~ 2/8/17 ~~2/8/17~~ 23/8/17 23/8/17

Chief Secy

(General Serial No. 30.)

1894. 3243.

From Colonel J. P. Grant
Supt. Mysore Rev. Survey
R847

To

The Chief Secretary to the Dewan
of Mysore.

Dated Bangalore
7th September
1894

Despatched

Received

Enclosures No. 8 vern corres. Mysore

General No. 165
No.

In reply to Govt. pro. Order No. 3295 dated R419
SUBJECT. of 24th august/94

Offering his opinion
on certain points in connection
with Survey Nos. 28 and 29
of Nandibatlu, Tarikere
Taluk.

References (to be entered only in the Dewan's Office).

Rec'd 8/9/94

Rev: 7-9-94

60

Ordered
Send this to the Rev. Branch
for the proceedings to be
issued -
Ryan bring the file after
hearing, to the Commissioners Mayne
promised to fix a date when
the parties Concerned
11-1248 CP

No 165 (7)

Survey Superintendents Office

Bangalore 7th September/94

From

Colonel J. P. Grant.

Supt: Mysore Rel Survey

To

The Chief Secretary to the

Dewan of Mysore

Sir, I have the honor to acknowledge receipt of the proceedings of the Government of Mysore, Order No. 3275 / R 419 dated 24th August 1894 on correspondence ending with the letter of the Deputy Commissioner of Kadur No. 76 dated 9th August 1894.

2. I will first of all answer the

portion of Survey No. 27 now applied for was not originally included in Survey No. 28. The presumption is that at the time of measurement it was utterly abandoned and was not considered worth including in the Kesavanavalu Estate to which, if any, I have not the slightest doubt the land now claimed in Survey No. 27 originally belonged.

(5) When the area of Survey No. 28 was altered from a g. a g. 192-3 to 164-21 no es-

al=

alteration was made in the area of Sr. 27, but of course a corresponding reduction was made in the aggregate area of the village

(6). The orignal boundaries given in the patta of 1869 are probably lia= =ceable but I cannot speak with certainty on this point. The disputed portion of Survey Nr. 27 was evidently excluded from the Estate, at time of measurement, as being worthless.

AL

the queries contained in the above proceedings of Government.

63

(1) The area of Survey c/o 28 of Chandibatlu was altered from a g a g 192 3 to 164 21, owing to an error discovered in com= =putation c/o change of boundary was made.

(2) The Survey map was prepared in 1873, before the correction, as above, was made in the area of Survey No. 28.

(3) The field book and the map exactly tally.

(4) It is impossible to say now why the portion

MYSORE DEPARTMENTS OFFICE
PETITION DEPARTMENT
NO. 243/Petitions
DATE 10-1-93

L.R. 109-93

The Chief Secretary to
The Government of Mysore

Sir -

With reference to my report upon the Council, heard last on September 10th and following days, in the matter of appeal of Survey Number 27 of the Mundkatlas Village, Tarikere Taluq

I beg to inform you that although the Council was pleased to intimate that an early decision would be given thereon by the Government no communication on the subject, although I am informed by the Deputy Commissioner in his docket dated Nov 7th and Dec 16th that my letter on the subject, have been submitted

66

If it was excluded design-
=edly with the object of
being illegally enjoyed.
Sanna Seeraiah deserves
no consideration whatever.

3. I agree with the Deputy Commission-
=er of Kadur on the main which he
has taken of the present case as ex-
expressed in his letter dt. 7th of the
9th August 1894.
Enclosures are returned.

I have the honor to be
Sir,
your most obedient Servant

Supt Mysore Rev.
Survey

(7)

KESINVURTHY ESTATE,
SANTAVER
BIRUR.

March 19th 95.

L.R. 109-93-8

The Secretary
to the Govt of Mysore.

Sir :-

I have the honour to state that with reference to my interview with the Chief Secretary on or about August 1st 1894. regarding grant of R.27. Kundibathas Village, Tarikere Taluq, and my subsequent interview with the Council of H.H. the Maharajah on the 23rd of August 1894 when I stated my case and when I was informed that although the matter could not then be settled, that a decision would be given at an early date, when I should be given notice to appear, if necessary, either in person or by counsel. Since that date

and nothing further about
though my application for the la
pension was made over a year ago.
I shall therefore feel exceedingly obliged
if the Council of H. & the Labourers will
deem fit to arrive at an early settlem

I have the honour to be Sir
Your obedient Servant.
G. R. Rice

Petition Branch.

Please put up the
papers if any available.

2-5-95.

Re Case is noted for Mr.

Submitted to the Revd Commissioner

This is one of the
Cases ordered to be
marked for hearing.

VJ 8/5

Mr. Rice is informed
that a enclosure
in same to his petition
4/4/95 Mr

The case has been marked
to 9 April
VJ 5/4

R

(General Serial No. 30.)

1895. C 33/5

12503.

From Mr. G. R. Rice
Assistant Private Secretary
to Mr. Bowring
Private Secretary to the
Hon'ble Chief Commissioner of Mysore.

To

Dated 1st March 1895.

Despatched

Received L.R. 109-93-9

Enclosures No.

General No.

No.

Requesting early settlement of his application for grant of mines no: 27 in the Panikere Patch

References to be marked.

Ref No. 2-4/3/95

M. G. C. Press, Bangalore.—3-2-94.—3000.

Page 8 of the Govt. of India

Read:- 1 L.R. 1493-15

Letter No. 76 dated 24 Sept. 1924 from the Dy. Comm. Madura District intimating further report regarding the encroachment of 1 cent 27 cents + 12 yards of Govt. unassessed waste land at Survey No. 27 of N. Kandiyatlur village Tirumangalam Taluk Tirumangalam Division of Ramnad-Virudhunagar Taluk without sanction.

Order Passed:- R.O. 18044/1459
23/4/25

Before this matter can be decided the Govt. desire to have the following enquiries ~~made~~ ascertained

1. What was the ground on which the area of Survey No. 28 was reduced?
2. Original encroachment made last up.

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

(11)

2. The Resident Surveyor
Nos. 25 and 27 of
Randiatta village
should be agreed
measured by a
competent person
and their detailed
measurements reported
with a correct sketch of the ground
3. The land which forms
the fifty-seven acres of reserved
grass land No. 48 of
Balawara must be
measured and a
sketch with all the
detailed measure-
-ments mentioned
on it must be sent.

The records are returned
for needful reference and
submission.

Dinner
Asst.
Council adm.

To
The Asst. Commr.
Kadavanthal for
reference

SKR 11/4.

11/4

17/4/95

18-4-95

9

Gen. Serial No. 31

REVENUE DEPARTMENT
Gl. No. 12 of 14
S— No. 6914
11 AUG 95
DEWAN'S OFFICE
189 Pt 744

From

The Deputy Commissioner
Thana Sadar

To

The Revenue Secretary
to the Government of Assam
Shillong

Dated 9th August 1895

Despatched, 10th August 1895

Received

Enclosure No. 4 receipts from I to V

General No. 33 / 43 Survey maps
No. 5 Jamabandi certificates

Requesting information on the points noted in regard to the proposal to grant permanent leases of Chapories in Sadar Mauza, Sadar Tehsil & Sadar District of the Khasi & Jaintia Estate.

2R 109-93-11

Let the
record again
from 2nd Nov.
until
21.8.95.

2nd Nov
24-8-95

Note as to the papers to be sent
for record & keep copy of reply
noted

Record to be returned
Notice to issue
2/8

R Hole
14/8/95

Ref
to the Dy

Subject to further Commissioner's reference to the order recorded on 9th 4-95 on the other note
2/8/95

Chitradurga, 9th August 1895

12.

From

The Deputy Commissioner
Kadur District

To

The Revenue Secretary to the
Government of Mysore.

Sir,

With reference to Government Proceedings No. 804 / 1459 dated 7/23 April 1895 regarding the proposal to grant 27 acres 2 guntas of Government unassessed waste out of Survey No. 27 of Nandibatta Village, Tarikere Taluk, with certain queries and directions for the same, I have honor to state as follows:—

1. As regards query No. 1 why the area of S. No. 28 was reduced, C.C. Grant's letter No 391 dated 29th October to me, giving cover to copy of his letter No. 165 dated 7th September 1894 addressed to Mr. on the subject, copy of which is enclosed, appears to answer this question. vide also original correspondence marked III in the files herewith returned.

2. As regards directions contained in queries 2 & 3, the District Surveyor, a competent Official in every way, was deputed to survey the land

to believe that the former owner of the estate had very recently changed these lettered stones and moved them in according to the sketch X, viz: from F.6 to F.11, G7 to G.10, H8 to H9, and thereby curtailed the extent of the land sold. On my inspection of the estate, I found this to be true and beyond doubt and which since have verified by the District Surveyor and by certain evidence Mr. Oliver has since obtained – vide detailed report No. 46 dated 5th August 1895 from the Surveyor; but as these lettered stones are not recognised by the Survey Department, I am unable to take any notice of it on the Revenue side, but at the same time it shows to what extent an unscrupulous person will go and how far he is to be trusted.

*Vide No 6

I have the honor to be,
Sir,
Your most obt. Servant,

H H Sparkes
Deputy Commissioner
Kadur District

And

Survey Nos. 27 and 28, Kandikatte, Survey
Book of Bellary, and he reports as follows:-

That he found new earthen boundaries
put up by the Surveyor, who had been
deputed to point out the boundaries to the
Chief, that these boundaries viz. X. on
the Chief's market E were just up in the
wrong place by the Surveyor and
should have been erected to the South
at the stone D4, which stone corresponds
with another stone found in the next village
Kalkattiyara and shown in red pencil
on the Survey maps of Kandikatte and
Kalkattiyara villages herewith sent.

3. He apparently is evident that the
stone D4 is the boundary mark of the old
Patta, and there is further the fact of some
old coffee plants still in existence in the
land now applied for and marked in
blue pencil in the sketch marked E and
which the Chief was given to understand
was in Sy. No. 27.

4. The district Surveyor further

report that he found the measurements by scale according to the Survey, within the black line in Sketch marked X to be as follows:—

	a. g	
Survey No. 28 —	165.0	Candidatin
" " 45 ..	50.28	Bellavara
	215.28	
" " 27	242.29	Candidatin Govt. waste
	Total 458.17	

and the measurements according to the area planted, part of which has been abandoned some years ago and marked in red ink in the said sketch, to be as follows:—

	a. g	
S. No. 28 ..	196.1	Candidatin
S. No. 45 ..	51.2	Bellavara
	247.3	
S. No. 27	229.19	Candidatin Govt. waste
	Total 476.22	

showing a difference of 18 acres 3 gunthas in excess.

The Attavanad shows:—

S. No. 2	215.9	Candidatin
S. No. 28 ..	164.21	
S. No. 45 ..	48.6	Bellavara including the area of 1.0 of a small kadia village still called Bellavara appears
	a. g	
Total	428.6	

5. The Surveyor-General states the extent of the land in question to be 64.2 acres, comprised in the boundaries as shown in the statement annexed, which according to the present survey comes to 264.3 acres, whereas the actual Lse. 28 of Bandicoota according to the map is found to be 65 acres and according to the area claimed as shown by the red ink lines on the sketch is 195.a.9 which includes 27.a.9 20 now applied for.

6. It is therefore a question whether the said Lse. 28 of Bandicoota and Lse. 45 of Bellamara, the former measuring 165 acres according to the map and 26.a.9 1 which includes 27.a.9 20 applied for according to the sketch, and the latter 57.a.9 2 according to the map and 57.a.9 2 according to the sketch, both the numbers amounting to 243.3 acres according to map and 247.3 according to sketch, do or all belong to the Claimants as their Survey numbers are comprised with the latest boundary lines.

7. When the boundaries were explained, and the boundaries of Kaʻiu, he reported that he could not find them between R. Grs. 27 and 28 of Kaudikaʻu. He and thereupon ordered to lay them down according to the map, and Kaleka Tipton received from the Survey Superintendent's Office. It was then found that the piece of land now applied for had been unauthorizedly occupied and accordingly the land was resumed to Government and the crops sold by auction.

8. Further it will be seen that Kawaupha was granted a refund of Rs. 31.7.9 vide Government Proceedings Ln. $\frac{275-5}{274-5}$ of 5th January 1885, on account of the area being found to be less by 2.7.22, which does correspond to the extent of land now applied for.

9. It may not be out of place to mention here that Kaʻiu in taking possession of the vacant land, swore

Gen. Serial No. 31.]

1895

REVENUE DEPARTMENT
Gl. No. 3596
R. 2342
4 NOV. 95
DEWAN'S OFFICE

15

From The Deputy Commissioner
Kadur District

To The Revenue Secretary to the
Government of Mysore

Dated Camp Sakkebile 29th October

Despatched 2d November 1895

Received

Enclosures No. 2

General No. 323 / 1895-96.
No.

Reporting that, as directed in government Proceedings No: 18044 dated 9th April 1895, the land applied for by Mr Oliver in Kandikatha Village, Sakkere Hobli, was duly measured in detail, and submitting for sanction a bill for Rs: 15-8- being the cost of coolies supplied by Mr Oliver to the district Surveyor.

Per
Dep
4/11/95

Pet. Branch
Please find up references noted within.

L.R. 109-93-13

Ref anywhere subd to Rev. Commr
95 with No. 13389-8-95 ref?
etc.

Submitted for orders
4/11/95

Dealed by Commissioner
Please Prepare
Draft record before I
proceed further any
question as to whether
this cost is a proper
charge on forest
receipts

8—11—95

Ref
1.95

Camp Sallebile 29th October 1895.

683

From

The Deputy Commissioner
Kadur District

To The Revenue Secretary to the
Government of Mysore.

Sir,

In continuation of my letter No. 133 of the 9th August 1895 reporting on the land applied for by Mr. Oliver in the Nandibathu village, Tarikere Taluk, I have the honor to report that as directed in paras 2 and 3 of Government Proceedings No. $\frac{18044}{1459}$ dated $\frac{9}{23}$ April last, detailed measurements were made by the District Surveyor whose reports &c have already been submitted to you.

2. When the measurement work had to be done, coolies to hold chains, flags, &c, were, at my request, supplied to the Surveyor by Mr. Oliver, on the understanding that the cost would be defrayed

98

No 391

Survey Superintendents office

Bangalore 2nd June 1895.

To

The Deputy Commissioner

Kadur District

Sir,

In reply to your docket No 50 dated 12th June 1895, I have the honor to forward copy of my letter No 50 dated 5th September 1894 to the address of the Chief Secretary to the Govt of Mysore, from para 2(1) of which it will be seen that the area of Survey No 28 of Nandibetta was altered from 92-3 to 94-21, an error having been discovered in computation

I have &c

Sd/ J. P. Grant

Supdt Income Revenue

Survey.

Copy

Sd/ Illegible

Dy Commr

Kadur District

19

1895

(14)

No. 1153

Name of Petitioner, Appachur Sanna Dee

Village, Sharikere

Taluk, Kadur Sharikere

District, Kadur

Date of Arzi, 12-9-95

Date of Receipt, 12-9-95

Date of Disposal,

No. of Enclosure,

ABSTRACT.

States that correspondin
No 502 of 1890-90 from the Dy Com
Kadur Distt, was heard in Court
on the 13th & 14th instant - that a p
of land in Survey No 27 whic
was in the name of the Petr
and the possession of which was
joyed by him since 1868, was a
for by Mr Oliver who has sent
Darkhast to the effect that th
land should be handed over
him for the offset price, and
that since the land is in his
possession, he prays that Mr
Oliver's Darkhast should
bring inconvenience to him

Further prays that in addition to
the 24 acres & 12 perches in his possession,
the whole of the lands in No 24 should
be entered in the Petn. Schedule, and
that according to Coffee rules he
should be considered to be the
purchaser for all the lands
contained in No 24 and that
consequently all the lands in that
Survey Number should be given
up to him for Coffee cultivation
at the off-set price.

8C

W.M. 14/9.

81

1155

(13)

Eight annas Stamp

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REGD. NO. 1155
DATE 10-7-15

2/ Govt.

3. Mr. Oliver has now submitted a bill for Rs 15.8.0 being the amount due for coolies supplied, and which I have directed to be paid, pending Government sanction. I therefore request that the enclosed bill may be kindly countersigned and transmitted to the Comptroller for audit

4. Mr. Oliver's letter dated 23d. instant claiming the said amount is herein enclosed for perusal and subsequent return when no longer required.

I have the honor to be,
Sir,
Your most obedient Servant,

H H Sparkes
Deputy Commissioner
Kadur District

And

Government of Mysore

Dr

Bill for the amount Paid for remeasurement of certain lands in the Village of Nandikatte & Ballavara, Tarikere Taluq.

Name of Payee	Amount			Remarks.
Mr G. R. Oliver	15	8	0	On obedience to Government orders contained in the Proceedings No. 1504-5/5 dated 2/3 April 1895, certain Surveyors in the above named Village under Peddanayeka, and Peon No. 33 were deputed to Government work & urgent work. The amount claimed is the wages paid by Oliver's Cooly employed by the Surveyors for holding fire &c while taking the measurements in June and July 95 as per following particulars.
				On 26th June 1895 2 Coolies
				" 27th " " 2 " 10
				" 28th " " 1 " 5
				" 29th " " 1 " 5
				" 1st July " 1 " 5
				" 2nd " " 1 " 5
				" 3rd " " 1 " 5
				" 4th " " 2 " 10
				" 5th " " 2 " 10
				" 6th " " 1 " 5
				Total 62 Peon at 4annas per Head.

H H Sparks

Dy Commissioner
Kadur District

Ans.

KESINVURTHY ESTATE,
SANTAVERI,
BIRUR.

86 Oct 25th 9.

The Deputy Commissioner

Sir.

I have the honour to inform that I am sending a sum of Rs 100 which I supplied to the Dist Surveyor in June & July last viz 62 men @ 4 annas per diem Rs 15/8. which sum I should be glad if you will remit at your convenience.

Yrs faithfully

G. R. Clark

R T O

Coolie supplied to the Dist Surveyor in June & July 95.

	date	coolies
June	26.	2
	27.	10
	28.	8
	29.	8
July	1st	13.
	2nd	8
	3rd	8
	4th	2
	5th	2
	6th	1

62 Men @ 4 per Day

Dr. R. 15/8.

Received the above sum in full for coolie hire

Witness

Received the above sum in full for coolie hire

Witness

Gen. Serial No. 31.]

189

REVENUE DEPARTMENT
Gl. No. 3818
No.
12 NOV. 95
DEWAN'S OFFICE

From The Deputy Commr
Bangalore District

To The Secretary to the Government of Mysore.
~~Revenue~~

Dated Camp Midgaon 7th November

Despatched 9/11

Received

Enclosures—No. one

General No. 33M & 1895-96.
No. 15

In continuation of this office No. 133 dated 5th August 1895 reporting on the original petition praying 27 acres and 2 guntas of Government unassessed land out of Sy No 27 of Narasipatna village Yelandur Taluk Chamarajanagar to cultivate Jowari, an original letter dated 4th instant from the Amildar of the said taluk, referred to, requesting to be informed of the Government decision on the

Refer here ended to Revr Comr for 12.9.95 & to whom letter quoted Revr Comr did not advise & hence was received back.

13/11
Mr A. Ry. The Amildar's letter was sent to you for a report & now the papers have been returned. Please

21/11
Subject to the Revenue Commissioner's

21/11

the subject.

89

Att Parker
Deputy Comm
Aldeerich

90

16/ca

Municipality
Santaveri
Nov 4th 90

The Deputy Commissioner
Sir

I have the honor to state that my case versus Sun Dharappa in the matter of a land dispute in the Amirthalinga Village, Sankeri Taluq, came on for hearing before the Council & Mahajans of Sugare at Sangalbem on September 10th P.M. last and on the latter date I was informed that a decision would be arrived at, and orders issued thereon in a fortnight's time. Since then, although nearly two months have elapsed, I have received no communication on the subject, either direct or through your Office. I therefore

91

beg to request you to kindly make a reference & forward to the subject, as the Practice has been made two years before Govt

I have the honor Sir
to
Your obedient servant
G. A. Nair

Mr. will be
forwarded to
Govt with covering
letter
5/11/95

Gen. 31j

17

1895

GL. No. 777
No. 3209
19 DEC 95
C. 44
DEWAN'S OFFICE

Ref R.R. 109-93-15

From The Deputy Commissioner
Kadur District

To The Colonial Secretary to the
Government of Mysore

Dated 16th

Despatched 17th December 95

Received

General No. 423
No. , 1895-96.

Enclosure No. 1

In continuation
of this office Docket No.
133 dated 7th August 1895 and
No. 337 dated 7th November
1895 regarding the pro-
posal to grant 27 acres
and 12 guntas of Govern-
ment unassessed land
out of Survey No. 2 of the
Nandibandu Village,
Sankere Taluk, has the
honor to submit, in
original, Mr. Oliver's
letter of the 12th instant

Ref R.R. 109-93-15

14/12/95

Submitted

In forwarding reference
from Mr. Oliver dated 12th inst
Forty Brinjals. Necessary has
been entered in Register

Mr.
2/12 To be transferred to
the Dept 3rd
14
24/12/95

The letter noted therein was sent to
Mr. Oliver on 18th inst & 21st inst
Receipt of the enclosure noted. Other
have not been received back.

5/1/96.

Subs for orders
HCR
15/1/96

Letter to be acknowledged
C
16-1-96

Submitted with file

15th
17/1

97

Gen. Serial No. 31.] No. 6742

1896 Ref 574

MAR 0[illegible]

REVENUE OFFICE

20

LR. 109-93-17

From

The Deputy Commissioner
Kaoue District.

To

The Secretary to Government
General and Revenue De-
-partments.

Dated 29th February 96.

Despatched 4th March 1896.

Received

Enclosures No.

General No. 608 95-96.
No.

Reporting on the present
Value of the land (27-12 acres)
applied for by Mr. Oliver, Out
of Survey No: 27 of Kandiahatte
Village, Lanikere Taluq.

Rev
6.3.96
To this a Petition Branch refer
DD
6/3.
Please see this & then Petn Branch
DD
9/3/96 Submitted
9/3

and to request that early 93
orders may kindly be
passed in the matter
for reasons therein
mentioned.

H H Sparkes
Deputy Commissioner
Kaduna District

Encl

94

Kennebecasis Fish
Saint John
Dec 12th 95

12/12

The Deputy Commissioner

Sir -

In acknowledging your letter of Nov 9th No 653. I have the honour to state that I have received no communication either direct or through you, relating to the matter has passed, with reference to the claim of Gerrard in the matter of the Lease of Island in the Kennebecasis River, & marked for by me in July 1894.

I should be exceedingly obliged if you would point out to Gerrard that the time for claiming damages & fixed obliging any one interested their decision be any further delayed, that Gerrard will have to lie upon for the matter you - Awaiting a favourable reply

I have the honour to be Sir
Your obedient Servant
D D Hives

95 Reg. Rec 665

This will be forwarded to Govt with a request that early order may be passed in the matter for the reasons herein mentioned

14/12/95 - Drafted 16 Decys

KM

Reply to Mr Oliver that this letter has been forwarded to Govt with the above request

Mrd 14.12.95 Drafted 16 Decys

Mr Oliver

distuct, and once an estate has got a good name natives will pay any price for land in the neighbourhood in the hopes that it will turn out as good. If this particular piece of land were situated anywhere else, that is, in an accessible place, I would advise it's being put up to auction, but situated as it is surrounded by Messrs Oliver and Johnson's estates, for it is inaccessible from the top, I consider it would be unfair to Mr Oliver to auction it as he would be force to buy it at an exorbitant figur

2. As regards value of the land and trees upon it, I have no hesitation in saying that all the trees are useless except for firewood and are of no use for shade as coffee won't grow under them. The coffee trees are also useless as they will all have to be cut out.

3. As regards the land itself, I

value the bad land at Rs 5/- per
acre as it is very doubtful whether
coffee can be got to grow upon
it; for the good land, I am of opinion,
that Rs 25/- per acre would be
a fair price, and that Rs 475/-
would be a fair price to ask
for the land.

I have the honor to be

Sir

Your most obedt Servant

H H Sparke

Deputy Commissioner
Madura District

96.

L.R. 109-93-16

No. 7002 / P. 1386 } 3.2.96. Initial

(19)

To The Deputy Commr.
Kadur Distt

Dated.

His docket no. 425 of 16.12.95 submitting for early orders of Govt. Mr. Oliver's letter dated 12th Dec. 1895 regarding his application for 27 acres 12 gts of unassessed Govt. land out of Survey No. 27 of Nandibatla village in the Tarikere Taluk

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With reference to the above has the honour to ~~Sender~~ request that the Deputy Commr. will be so good as to state for the information of Govt. the definite value of the land (27 acres 12 gts) applied for by Mr. Oliver.

2 The Deputy Commr. is also requested to report the number age and condition of the existing coffee trees on the said land.

By order

(Draft)

for Rev. Secretary
BCK
31.1.96

report the proper present value of the land (27 acres & 12 guntas) applied for by Mr. Oliver; taking into consideration the number ~~value~~ age & condition of the Coffee Trees standing thereon, the details about these trees being likewise specified. AVK 3/2

98

is very much by Government and sold in Zanzibar from Rs 4 to Rs 8 annually account a very small quantity is obtained. There exist about 4 acres of land under rice cultivation being the only crop. The cotton obtained is valued very considerably, both Pemba and Mozambique valuing the good land at Rs 30 per acre and the bad land at Rs 20 per acre, but they could give no reason why they fixed such a higher value on the bad land, neither could they understand that the rice of land was inexhaustible to attending except Messrs Johnson and Price whose estate adjoins it. From what I could see I am under the impression that the Zanzibar land induced these men to pick their high value on the land for reasons best known to himself. I may here mention that during the discussion the Zanzibar manner was so insolent that I had to command him to be silent and in consequence

afternoon I did not attend Mr. Price to take part in the discussion. Mr. Claud Bourdais, a young man working under his uncle Mr. Henry Bourdais, told me that he thought that the land might fetch as much as an outside fancy price. Mr. Johnson, who was the next estate agent and knew land adjoining this piece, said that being the situation of this land in consideration, if buying it for himself, he certainly would not give more than £10 per acre for it. There is no doubt a great rush for land in this part of the district especially by amongst natives, who will bid up to any figure without considering for a moment whether the land is worth it or not, and I have no doubt that if this land were put up to auction it would fetch a fabulous price and far beyond its actual value, this I have found to be the case throughout this

103

LR. 109-93-18 (2)

No. 8746 / R. 3382 / 26 3 06 Notification

The Government of Nigeria are pleased to direct that the following additions be made to para 6 of the Rules in Appendix E of the Rules under the Nigeria Land Regulations Code, issued under Government Notification No. 150, dated 22nd July 1903.

(1) After the words "duly demarcated and shall" in line 2, add the words "ordinarily".

(2) After line 3, add the following:—

"Provided that, in exceptional

Proviso.

107

number and certain Boundary stones which marked the land sold were also specified. The measurer seems to have put up some boundary marks which however were subsequently found to be not in accordance with the Survey plan. ~~Leaving that a bit of land which contained old Coffee trees and which evidently formed part of the old Kesavanna Vorti Estate had been included in Survey No 1,~~ W. Oliver put in an application to have ~~that bit~~ the Excision but formed into a separate number and given to him for an upset price. The Deputy Commr Submitted a recommendation to that effect to Government. In the meanwhile Sunne devarappa raised an objection and set up a claim of his own to that land. He urged that it was all along in his enjoymen

as it adjoined his land he 28 & can be believed that there were no other interests involved -

that he was willing to give the past assessment for the same, and prayed that it might be confirmed to him. He also added that though forming part of Kasavana Varti Estate, it did not have to Mr Olivier, as it lay outside the boundaries specified by the Civil Court in the certificate of sale granted to Mr Olivier.

The questions, which under these circumstances, have to be decided, are

(1) Whether the land in question formed part of Kesavanavarti Estate.

(2) Whether it was ~~it~~ excluded from No 28 and added on to ~~the~~ (~~Journal~~) No 27 with the knowledge of Sanna devaraya and whether in other words, Sanna devaraya was aware of such exclusion

× Sd
This word may be omitted as the land is not formal
Sd

case where sale by public auction is undesirable, the Government may offer the grant of the land to the first applicant or to any other person on a fair valuation."

By Order

Draft

Secretary

16/3

The Compiler, Napier Gazette for publication in three successive issues of the Gazette.

SV 16/3/96.

Pinkerton Rule Wood 25/3/96

Rec'd Neutty 26/3/96

Lands Office

Rec Branch.
Kindly send this file to Eric Bx immediately upon receipt of notice 24/3/96

164

Draft for approval

Send Bx Napier Gazette 3 times Eric Elliott Esq Napier 16/3/96

AS 16/3

Memorandum submitted to the Minister Wood 17.3.96

Filed Bx Secretary 18-3-96

AS 18/3

Memorandum "Approved" C

Proceedings of the Govt of Mysore

(23)

105

L/R 109-93-19

Read:-

(1) Letter No 502 dated 28th March 1894 from the Deputy Commissioner, Kadur District recommending that 27 acres 12 guntas out of S. No 27 of Nandibatte in the Tarikere Taluk, applied for by Mr Oliver of Santaveri and claimed by Sannadevarappa of Tarikere, may be granted, without sale, to the applicant for coffee cultivation.

(2) Correspondence ending with letter No 608 dated 29th February 1896 from the same officer reporting the value of the land in question

(3) The records connected with the case.

En: 6 Vernacular files and 3 maps sent separately by parcel.

No 9332 / 11.3.61-95. 8.12 / 14. Corrigendum thereon

This dispute relates to an extent of 27 acres 12 guntas forming part of Survey No 27 which is classed as Gomala (Grazing) land of Nandibatte in

The land is not granted. If the Govt recommend a grant, the land in which would be sold.

Mysore, Tarikere.

village and covers an area of 215 acres and 9 guntas, and arose under the following circumstances:—

The Estate in this locality was originally known as Kesavana Vanti Estate, and Somasekharaiya became the proprietor. In course of time, the property became charged with debts and was ultimately brought to sale by orders of a Civil Court in execution of a decree. Mr Oliver became the purchaser. In the course of his being put in possession of what he had bought, a Survey measurer seems to have discovered that the portion now in dispute had not been included in the Survey number 28 of Mandibatta village, which alone had been specified as the land purchased by Mr Oliver. In the sale certificate, the old Patta

GOVERNMENT OF MYSORE

104

(3) Whether the land was in the enjoyment of Dannadevarayya.

(4) Whether he is now entitled to retain it, and, if so, under what conditions

(5) If he is not entitled, what is the best way of disposing of this land.

That the land now excluded from Survey No 28 is quite clear. The District Surveyor has since examined the locality, and although his report brings to notice the regrettable fact that the Survey boundary marks of this and the adjoining lands have been very arbitrarily interfered with and that in some places the marks have been so erased as not to be identified with difficulty yet it is so far clear that the S. No 28 does not include

any portion of the land in dispute, and that it (the latter) forms part of Survey ~~Land~~ number 27. In this connection it seems important to refer to the statement of one Lambana Ajja (Chanda) who seems to have formerly been in the service of Samma-deverayya. He clearly stated before the Measurer ~~and Surveyor~~ that one of the lettered boundary stones was broken into two pieces and that these pieces were removed and fixed in different parts. Gopalia Shanbhog states that ~~four stones and other~~ the boundary marks could not ~~at all~~ be found. Patel Rudraiya in practice that the trees on the land in this part do not show any indications of their having been taken care of (~~and properly cultivated~~), and that it is not true that this part was ever enjoyed by Samnadevarayya since the date of the Coffee Settlement

110

Add
this word may be re-
the land at top of

This statement bears the impress of great probability having regard to the intelligence of Commadevarajja, and bearing in mind the fact that he obtained information of an arithmetical inaccuracy in the calculation of the area of Survey No 28 and had it corrected three years after the Settlement, one will be slow to believe that he was not aware of what was exactly confirmed to him in the Survey Settlement and what was excluded from his holding. His conduct appears to be that of a man who wants to oppose his opponent at all hazards and bent upon making a plausible case from facts which might ultimately prove to his great disadvantage. In this view he seems to have relied upon the existence

of a few old coffee trees in the disputed locality, and urged his enjoyment, which, however does not appear to be true. If there were such clear indications of enjoyment it is unlikely that Mr Oliver would have applied for it under the Darkhast rules. The contention of Lammadevamma that if it was his, it did not pass to Mr Oliver is absurd. There is no such reservation made anywhere and Lammadevamma has not pressed it. On the contrary, ~~the~~ Muddappas statement refers to an attempt on his part to interfere with the existing boundary marks and make out a case for himself. The admission of enjoyment which, if superficially viewed, appears to be unfavorable, to Devarappa does not appear to be true.

112

Gowda

113

Samadevarappa perhaps considers that the disadvantage of paying the previous Kanda yam is more than counterbalanced by his acquisition of this land, which, on account of its contiguity is valued by Mr Oliver. For these reasons the findings which ought to be adopted are that Samadevarappa was aware that the disputed land did not form part of Survey No 23, and that he did not openly enjoy the land as his own. It is possible he might have clandestinely reaped the fruits of the neglected trees and appropriated them, but there was no such open and professed enjoyment on his part as to be regarded as an overt act of ownership. The land is therefore decidedly the property of Government and is entirely at its

that he ~~not~~ will
unjustly deprived of his
the profit accruing
the lands thereby. He
therefore begs that the
will consider his
to do justice to him.

24-6-'96.

References.

24/6/96

Please put up the file relating
a grant of land to Mr. Oliver.

25/6/96

Put up as per note.

26/6

Application for review of Govt
vision order No 7332 of 12-6-96
P.J. 61-95
ssed by the 2nd and 3rd Councillors.

Stamped one Rupee.

Stamp sufficient

29/6/96

Issued Rs 2 0 3 0
29/6/96

1-7-96.

Mr. Nadgir to file
Petr obtg a copy
the order so far as it
relates thereto
No grounds for review
two regd misc appln
7/7/96

189 6

No. 4090

Name of Petitioner, Sanna Devaraja

Village,

Taluk, Sankeri

District, Kadur.

Date of Arzi, 22-6-96

Date of Receipt, 23-6-96

Date of Disposal,

No. of Enclosure,

ABSTRACT. English petn

The petitioner has
ordered he says to
an assessment of
on the land Survey No 27/1
27 acres 2 12 guntas by
Dy. Commissioner. He
not granted a copy of the
Govt order though he requ
the Dy. Comm. He learns
the land will be given to
Mr Oliver for an upset
price of Rs 5-28. He fur
says that the Govt. order
the Manager on 28th Febru
quite useless & puts him
to a loss of about Rs 5000
considering the value of
[illegible] on it. pe

disposal.

Samaderaraiya's own admission makes him guilty of having enjoyed the fruits of the trees on this land clandestinely and he has even offered to pay up the first assessment. The Deputy Commissioner will collect this amount from Samaderaraiya as fine and credit it to Government.

With regard to the disposal of the land, it has been brought to the notice of Govt that the sale of it to any other than Mr Oliver will put him to great inconvenience. It is also reported that it is otherwise not easily accessible to strangers. There is also reason to believe that if the land is sold by public auction, private spite will lead to speculative competition

114

in this case
in that case
which ~~it is the duty of~~ the Collector of Land Revenue
Government ~~has~~ to encourage
Under all the circumstances
of the case, the best way
of disposing of the land is
to give it to Mr Olivier for
a fixed price. The valuation
put upon it by the Deputy
Commissioner viz. Rs 25
per acre for the good land
consisting of 17 acres may
be accepted. The remaining
portion of the land viz 10
acres 12 gunthas is reported
to be bad and the Deputy
Commr values it at Rs 5 per
per acre. As however this
is less than the minimum
upset price of ten Rupees,
the rate may be raised to
Rs 10. Under the Rule in
Appendix E of the Land
Revenue Rules as amended
by Notification No 8746/R 3882
dated 26th March 1876
Government are pleased

of the land together with the trees thereon at Rs 5000 + odd.

6. That in the face of that Mahazar, the Petr is not aware how the Deputy Commissioner made a report to reduce the upset price to Rs 528/.

7. That the Petr is not aware why he has been deprived of the land itself and especially the value of the trees planted by him amounting to Rs 5000 + odd.

8. That it is a great hardship to the Petr that he should be deprived of the land in spite of the law of limitation prescribing a period of 12 years even in cases by Govt, that he should be deprived of the value of the trees and that he should be ordered to pay a sum of Rs 566-5-0.

9. That if the Petr had been ordered to retain possession of the land any order of Govt would not have worked any hardship on the Petr.

10. That the order of the Deputy Commissioner as it is, is very favourable to the Counter-Petitioner who gets the land for a nominal price of Rs 528/. which is less than the amount which the Petr has been ordered to pay for the so called passed enjoyment.

For these reasons the Petr prays, that if the Govt decides upon giving the land to Mr. Oliver, the Petr may be excused from paying Rs 566-5-0 to Govt and that he may be given the value of the trees as fixed by the Panchayetdars; that if the Govt decide upon

to direct that the land in question be made over to Mr Oliver on payment of the prices at the above rates

Redraft
Sd
Secretary

To

The Deputy Commr
Kadoor Dist with
entire records

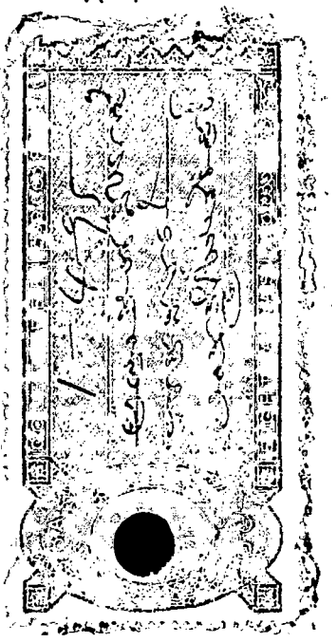
C.
11/4/96

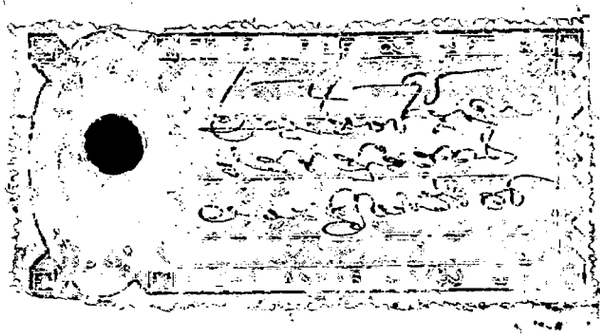
Dpm
4
12/4/96

x will follow

16

Suppose that the hand is supported by the back of the hand and the fingers coming from the direction. The fingers keep the weight and reminder the case





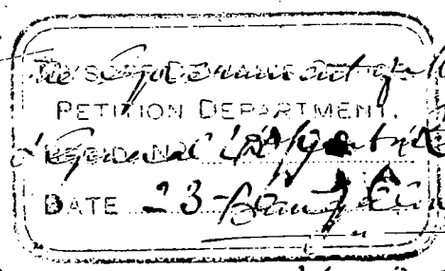
(24)

4090

Petition dated 13-1-96 the Secretary to Government

two eighteenanna Courts advised

Revenue



Rev: Review Petition No: of 1895-96.

Petitioner ~~&~~ Counter-Petitioner

Sama Devappa Dy Collr of Sanitary

of Dharwar.

The Petitioner, above named begs to state as follows:—

1. That the Deputy Commissioner of Kadur has issued an order to the Amildar of Darwar to levy from the Petr the sum of Rs 556-5-0 as assessment due on the said 27 measures 27 acres and 2 guntas of Mandikeatin village Darwar Taluk.

2. That when the Petitioner requested the Deputy Comr to furnish the Petitioner with a Copy of the Govt Order, he referred the Petr to the office without giving the Petr a copy.

3. That the Petitioner learns that Dy Collr has been directed to pay a sum of Rs 528 as an upset price for the land in dispute.

4. That the order of Govt seems to have been passed without the Rakazar before it, enumerating the trees that stood on the land in dispute together with the value thereon.

5. That the said Rakazar was drawn up on the 25th of February 96 in which the Panchayat at the instance of Doda Gowda Rachaya, Karnam of Jhalgeri & 2 companions estimated the value

2/

upon permitting the Petitioner to be in
of the land in dispute as he has been
he owned subject to the terms which
Government was in force enforce upon persons
situated like the Petr which the circumstances
of this case disclose.

Bangalore
22d June 96

Y07b3g

13-7-95

(26)

No
4093 of

LR 104-93-91

Endorsement granted to Anna Devarajiya, Coffee Planter, Tarikere, in reply to his Petition Registered No 4093 dated 22nd ultimo stating that copy of Government Order No 9532 / Pol. 76 : 95 dated 2nd April 1896 in the matter of Petitioners dispute regarding 2 acres in gantao out of Survey No 27 of Nandikatu, Tarikere Taluk was not furnished to him by the Deputy Commissioner and praying for reconsideration of that order.

Petitioner is informed that his application is rejected as there are no grounds for review.

2: There is no objection to

to the Petitioner stating a copy of the order in so far as it relates to him.

3. The enclosure of the Petition is herewith returned.

By order

Asst

for Secretary

Rel
8-4-96 13-7-96.

Copy of the endorsement is forwarded to the Deputy Commissioner, Kadur District.

By order

Asst

for Secretary

Copied
Asst

Submitted

Please see

3d. Comments over

on the abstract

of Pet. no. 4090 of

22-6-96

NCh

11-7.

Jmw

11/7

Gen. 31.] 1896

27

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From The Deputy Commissioner,
Kadur District

To The Secretary to Government
Genl. & Rev. Departments

Dated 3?
Despatched 6th October 96
Received

General No. 234 / 1896-97.
No.

Enclosure No. 1 File.

Secretary's Docket No. Pet 7.61-95 dated 1st Ultimo asking for submission of the records relating to the grant to Dukkiers of a piece of land measuring 27 acres and 12 guntas out of Survey No. 27 of Kandikatte Village in the Tarikere Taluk returned with Government Proceedings No. 9332 / P.7.61-95 dated 12th April last and subsequent reminder of the 24th idem.

Rev Dept 9.10.96

Rev
9/10/96

Rep. belongs to Pattn Branch
9/10

Transferred to the Pattn Branch.

B
9/10/96

Rec'd 17/10
Rep. 24/10
Rep. forwarded
Rec'd 24/10/96

Submitted
26/10

Vide the Dy Com'rs No. 269 dt 26.10.96 subsequently received with his survey map & the settlement papers
7/11/96

In reply, the undersigned has the honor to forward the records connected with the case as per accompanying Jarist, with the exception of the Nandibatha Survey map and the Coffee Resurvey Settlement papers of the village of Nandibatha and Battawara. These papers having since been found to be in the Tarikere Taluk, an order has this day been sent to the Amildar to [illegible] them to the undersigned. [illegible] will be transmitted to [illegible] ment as soon after [illegible] ceipt as possible.

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H H Sparks
Deputy Commissioner
Kadur District

Re file 6107

L 1/24
R 10-9-93

366 1896

No. 366.

Name of Petitioner, Launa Veerappa

Village, } Tenkere
Táluk, }

District, Kadur

Date of Arzi, 25-7-96

Date of Receipt, 27-7-96.

Date of Disposal,

No. of Enclosure, Nil

ABSTRACT.

I cannot give an opinion of intending the Deputy in person - Petitioner can have no real grievance if any - May be had unauthorized possession of the land in question for some time. This cannot give him a title to the land - The Ground on which the land was ordered to be given to the Petitioner have been shown in Govt Rev No 9332 of 12-4-96 - Let this go back to the Asst Deputy D.C.O. for submission to the Deputy C

27/9/97

Office
Forward accts
M 28/9/97

Petitioner.

13/12/97

Rd 17-12-97

Remarks of this petition regarding the grant of a certain land to the above petitioner praying that the extent in 27 acres and 12 guntas may be confirmed to him on the same terms as it was given to others. Status and the fine imposed which may be remitted for the petition

27/9

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 363.R
DATE 27-7-96

To 125

The Government of Mysore
Bangalore.

Petitioner
Seema Devanayya
of Sakleshpur

Counter-petitioner
Lewis Rice
& Sankaranarayana.

The petitioner above named begs to state

I That he obtained Kevinawarthey Coffee Estate said to contain an area of 259 acres 5 guntas and 99 yards in Civil Court sale in the 1867 when there was no Survey and enjoyed it.

II That during the Revenue Settlement Coffee Estate Kevinawarthey Coffee Estate was formed into a Survey no: 28, measuring 192 acres & 3 guntas of Kandavattu village Sakleshpur Taluk.

III That subsequently it was found out by Survey Officials that there was an arithmetical inaccuracy in the calculation of the area of the above Survey No: and corrected the area into 164 acres and 21 guntas, and the excess collection of Kandayam made for 27 acres & 22 guntas was refunded to him. But however petitioner to enjoy the whole estate obtained in 1867. The excess 27 acres & 22

ಕೆಳಗಿನ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಿಸಿ.

೧. ಸಂಕಲನ ಮಾಡಿ.

ಸಂಖ್ಯೆ	ಹೆಸರು	ಅಂಕಪಟ್ಟಿಯ ಸಂಖ್ಯೆ	ಅಂಕಗಳು	ಶೇಕಡಾವಾರು
೧	ಸೀತಾ	೨೪೫೬	೯೮೦	೮೧.೬೭
೨	ಗೀತಾ	೨೪೫೭	೯೭೦	೮೦.೮೩
೩	ಮೀನಾ	೨೪೫೮	೯೬೦	೮೦.೦೦
	ಒಟ್ಟು		೨೯೦೦	೨೪೧.೬೭

ಅಂಕಪಟ್ಟಿಯ ಸಂಖ್ಯೆಯ ಸರಾಸರಿ = ೨೪೫೭

ಅಂಕಗಳ ಸರಾಸರಿ = ೯೬೬.೬೭

ಶೇಕಡಾವಾರು ಸರಾಸರಿ = ೮೦.೫೬

(ಸಂಕಲನ)

೨. ಸಂಕಲನ ಮಾಡಿ.

ಸಂಖ್ಯೆ	ಹೆಸರು	ಅಂಕಪಟ್ಟಿಯ ಸಂಖ್ಯೆ	ಅಂಕಗಳು	ಶೇಕಡಾವಾರು
೧	ಸೀತಾ	೨೪೫೬	೯೮೦	೮೧.೬೭
೨	ಗೀತಾ	೨೪೫೭	೯೭೦	೮೦.೮೩
೩	ಮೀನಾ	೨೪೫೮	೯೬೦	೮೦.೦೦
	ಒಟ್ಟು		೨೯೦೦	೨೪೧.೬೭

ಅಂಕಪಟ್ಟಿಯ ಸಂಖ್ಯೆಯ ಸರಾಸರಿ = ೨೪೫೭

ಅಂಕಗಳ ಸರಾಸರಿ = ೯೬೬.೬೭

ಶೇಕಡಾವಾರು ಸರಾಸರಿ = ೮೦.೫೬

(ಸಂಕಲನ)

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and 22 guntas was added as Survey No: 27.

IV That the petitioner's Survey No: 28 measuring 16 acres and 21 guntas was sold in the year 1893 by Civil Court and Mr: Oliver became the purchaser.

V That, in the excess of 27 acres & 22 guntas of Survey No: 28 the petitioner has raised coffee trees and constructed water course built of brick and chunam as well as roads round about it.

VI That Mr: Oliver put in a Khariste for this excess and that the petitioner objected to his Khariste stating that it was in his enjoyment from 1867 and that the same should not be given to Mr: Oliver

VII That this excess area was estimated by respectable Canara traders, Surpeads & Natives viz Mudr: Cachappa, Canappa, Johnson & Co. Rent is laid at Rs 5-0-0 as per Markar Arzies etc by them

VIII That on the recommendation of the Deputy Commissioner of Kadur the Court has ordered that the petitioner should be deprived of this holding and should pay a fine of Rs 500/- and the plot in question may be given to Mr: Oliver on the upset price of Rs 528-0-0 which is far less than the amount of 5050/-

61/95

(29)

1897

REVENUE DEPARTMENT
2147
R 1326
Dat 180
SEPTEMBER

1314

Rev 979

From The Deputy Commissioner
Kadur District

To L.R. 109-95-25

The Secretary to Government
General & Rev: Departts

Dated 16th September 97.
Despatched 19th.
Received
General No. 234
No.

Enclosure No.

Have the honour to request that the Secretary to Government will be so good as to return the Akarbhand of the Naudibattie Village, Tarikere Taluk forwarded with the papers relating to the grant to Mr Oliver of a piece of land in the said village with this office docket No: 234 dated 3rd October last, the Survey Superintendent having in his cowcaree yadi No. 1188 dated 9th instant asked for transmission of the Akarband for necessary corrections.

Deputy Commissioner
Kadur Dist

(145T)

The connected papers are sketched herewith. Akarband to be returned.

D 761-95 (relating to the appeal of Mr. Oliver of Tankara Estate Tq. Nirv. the grant of S. No. 27 of Naudichatta village) with 2894 / P 244 from the Kadur was sent to Cotta camanda for Subn to Dewan Bahadur, on 29-12-97.

Submitted 25/12/97

25/12/97

Forwarded to the Assistant Secretary, DHO

12/1/98

2
II

mentioned in the Sanad.

The petitioner prays that the excess viz 27 acres & 12 guntas may be confirmed to him on the same conditions as it has been given to Mr. Oliver. If the Govt. do not please to grant this concession the petitioner at least prays that the fine imposed may be remitted and the cost of improvement viz Rs 50-0-0 may be ordered to be given to the petitioner by Mr. Oliver.

For this act of kindness and justice the petitioner shall ever pray for long life and prosperity.

Bangalore
Dated 25th July 1896

REVENUE DEPARTMENT
Gl. No. 2894
No. C. 2005
29 OCT 96
Ref 244
DEWAN'S OFFICE

189

From The Deputy Commissioner
Kadur District

To The Secretary to Government
General & Revenue Department

LR 109-93-24

Dated 26

Despatched 28th October

Received

General No. 269 / 1896-97.
No.

Enclosure No. Coffee resurvey settlement papers & map (not separate).

I forward in this office Docket No. 234 dated 3rd instant, containing the records relating to the grant of Sub Site applied for Land in the Nandikatte village, Tarikere taluk, the undersigned has the honor to submit the Resurvey map of the Nandikatte village and the office resurvey settlement papers of the Arecode village, as also of the Bellavara village of the same Taluk.

Ltt Sparke
Deputy Commissioner
Kadur District

Rec'd 29-10-96

Ref. Govt Order

Dispatch

Referred to Asst. Secy. for report

Returned with report

Transferred to the Abstract Branch —

PS
2/11/96

Submitted to Secretary

Miscellaneous papers sent for after receipt of the Dy. note of 29/10/96 from the Asstt. Secy. to Govt. The note with the Secy's Order thereon is portion.

Orders solicited as to whether the file should now be sent to DPHO.

Yes
11-11-96

7/11/96

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Measurement of Survey No. 27 of Nandiriddi as calculated by Subhapur & the Survey Office

According to them the total extent of Survey No. 27 including the piece of land in dispute is 216-38, which is one acre and 29 guntas more than the recorded extent 215-9. The Patel in Council yesterday, that the extent is 212 acres. The error, he explains, was due to the data on which calculations were made yesterday.

The extent of the piece in dispute is according to Survey, 2 acres 27 guntas.

Submitted.

12/9

19-1-98

No. 366

MYSORE (DEWAN'S) OFFICE,

PETITION DEPARTMENT,

The 19 January 1898

ENDORSEMENT GRANTED TO Samm Ramappa, Coffee Planter, Tarikere

in reply to his petition Registered No. 366 dated 26th July 1895 praying for a reconsideration of the question of confirming the grant to the Diwan of Mysore's Estate, of a piece of land measuring 2 acres 2 guntas out of S. No. 27 of Kudidin village, Tarikere Taluk.

Petitioner is informed that there are no grounds for revision of the above order of Government.

By Order

for Secretary.

No. 6435 / 18-1-98
P.761-95/20

Copy of the above is forwarded to the Deputy Commissioner, Kadur District, together with the papers received with his Report, No. 234 of 28-7-95 3rd Extract of 20th ultimo.

(Dewan's order)

By Order,

for Secretary.

Draft
Bln.

12.1.98